



GREENWOOD COMMON COUNCIL
JUNE 21, 2004 MINUTES
CORRECTED

Mayor Charles Henderson called the meeting to order at 7:03 p.m.

The audience recited the Pledge of Allegiance in unison, after which Pastor Doug Caister of the Sanctuary Community Church offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, Keith Hardin; Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Councilman John Gibson was not able to attend.
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Mr. Bates moved to approve the minutes of the regular session of June 7th. Second by Mr. Bless. Vote: Ayes. Motion carried.

Ms. Koons-Davis had submitted her litigation report. There were no questions from the Council. Also under unfinished business, she invited Michael Huff, operating manager of Precision Products, to discuss their CF-1. The president of the company was with Mr. Huff. The main question was the difference between the estimate and the actual cost of machinery and equipment -- \$1.1 million dollars. Mr. Huff indicated that the real crux of the problem was the economy. In 2001 the company was addressing new opportunities in the industries. After 9/11 the company pared back the amount they were able to address for machinery and equipment. He noted graphic representation in his handout. Mr. Huff indicated that the company is seeing some positive economic signs. He asked that the Council find them in compliance, citing his expectation that they will meet or exceed the original estimates over the next two years. After discussion, Mr. Deer moved to find Precision Products in substantial compliance, with an expectation that the original investment will be realized within the next two years. Second by Mr. Hardin. Ms. Reed noted that the number of employees had been estimated at 71, with the current number of employees at 102. Mr. Huff corrected this number to 55 employees, which is the number maintained since 2001, adding that they are on an upturn since they have just hired several people and have commitment to hire more. The numbers Ms. Reed quoted are from their previous comptroller and he believes these include both Greenwood and a Pennsylvania facility. The Council then asked for a revised CF-1, as it states the number of employees at this plant is 102. Mr. Deer revised his motion to include a revised CF-1. Vote: Ayes. Motion carried.

Precision Investments is the other tax abatement that needs action, reminded the City Attorney. Ms. Koons-Davis cited from the SB-1 that the abatement on real estate improvements would allow Precision Investments to generate additional jobs at a higher salary level. Mr. Huff clarified that if the previous comptroller stated that was a separate hiring entity, that was not correct. The facility in question allows Precision Products to hire more employees. Mr. Huff indicated that there should be an additional 22 employees over the next two years for Precision Products, if that makes a difference. The consensus of the Council was that Precision Investments should issue a memorandum clarifying their Statement of Benefits. Mr. Hardin moved to find Precision Investments in substantial compliance provided that the SB-1 be updated and provided to the Council President. Second by Mr. Armstrong. Vote: Ayes. Motion carried.

Mr. Armstrong reported on the Plan Commission meeting of last Monday. The primary plat for Heritage Trace was withdrawn, to be re-filed later. They are also working through the annexation of the Dickens Property at Combs Road; they have not been able to get an official vote.

Mr. Bless told the Council that the Meet & Confer Committee met on June 14th and received a list of recommendations from representatives of the Police and Fire Departments. He, Mr. Bates, and Mr. Deer will meet tomorrow night to discuss these recommendations and the entire committee will meet again on June 28th at 4:30 p.m.

Mr. Deer reported that the tax abatement committee will meet again on June 23rd at 7:00 p.m. to finalize suggestions that were made at a previous meeting. The follow-up meeting will be at the Redevelopment Commission on July 6th.

At this time Clyde Freshour, President of the Parks Board came forward. He introduced Richard Dietrich, Mike Sawa who are also members of the Parks Board, and Don Cummings, chairman of the Trails Advisory Board (TAB). They made a presentation describing the benefits of a trails system, how it would be achieved, the vision and goals of the TAB and funding issues (Packet in attachments of this meeting).

Kyle Miller came forward to speak for the aquatic center task force, which has been meeting about every two weeks since February, 2003. He introduced other members of the committee. The presentation covered their progress during that period in meeting their goals. One highlight was water technology, including an evaluation of the existing sewer utility. A report will be coming to the Council within approximately the next month from Economic Research Associates discussing the potential and financial feasibility of the new facility, along with population trends and trends in aquatics. Task force chairman Wagner discussed a survey of the community and details of features the proposed facility will offer. Gail Richards came forward to address the funding possibilities between the City of Greenwood and the business community. Pat Sherman followed to discuss other revenue possibilities. Scott Bowers of C.P. Morgan came forward to update the Council on progress between Precedent and C.P. Morgan and the Parks Board and staff, discussing the concept plan and highlighting amenities.

At this time the Council recessed at 8:30 p.m. and reconvened at 8:40 p.m.

RESOLUTION No. 04-15 – A Resolution of the Greenwood Common Council Regarding the Issuance of Warrants (Approval of the Payment of Claims. Mr. Hardin moved to table Resolution No. 04-15. Second by Ms. Reed. Vote: Ayes. **TABLED**.

ORDINANCE No. 04-20 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 110.18 Acres Located East of I-65 and North of East Main Street (commonly known as the Sarah Mae Windhorst Revocable Trust Property). **POSTPONED UNTIL JULY 19, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-21 – An Ordinance Providing for Additional Appropriations From the Cumulative Capital Improvements Fund – Tax Levy to the Board of Public Works and Safety (\$30,418.35) and to the Common Council (\$725) for Payment of Professional Services Fees. Mr. Bless moved to pass Ordinance No. 04-21 on first reading. Second by Mr. Deer. Mayor Henderson opened the public hearing for comments and questions. The ordinance concerns professional services from attorneys and accountants assessed during the bond process for the streets in Valle Vista and Northern Park. As no one spoke, the public hearing was closed. In response to Mr. Bates, the Mayor noted that these fees were not in the budget but were always intended to come out of bond proceeds. The funds remaining in Board of Works 331 would not be carried over unless a contract was in place, said the Mayor. At this point he does not know of anything the remaining balance is earmarked for. Outside accounting, engineering and attorney fees come up during the year. Nothing was budgeted in the Council budget, either. The City Attorney advised that the Board of Public Works and Safety directed her to take the appraisal fees out of the Council budget, so that is the reason for the \$725 coming out of Council funds. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-22 – An Ordinance Transferring Funds From the Budget of the Information Technology Department (\$9,500) to the Budget of the Common Council. Mr. Hardin moved to pass Ordinance No. 04-22 through first reading. Second by Ms. Reed. Mayor Henderson opened the public hearing for comments. Chief Information Officer Rick Jones told the Council that he felt this money could be better spent in other places. The number of services his department provides, he added, is growing; his budget has **decreased** for several years. Mr. Jones said they are continuing to promote new technology. Mr. Hardin reviewed what the proposed audit would include. Assistant Police Chief McQueary spoke to getting ready to “go automated” with laptop computers in the cars. He understands that those computers will be the responsibility of the I-T department. This is an unforeseeable amount of money. The laptops will have to be updated, added Mr. McQueary, probably yearly. Mr. Hardin asserted that this was all the more reason for an audit. Mr. Deer asked why this department was the focus of the audit. Mr. Hardin said his first concern was \$26,500 that was budgeted for upgrades that were already completed – which remained in the budget. Mr. Jones had told Mr. Hardin that those funds were for

emergencies and he did not know when he would be using those funds. Mr. Hardin went on to say that the purchase of a tape recorder and a check stamping machine for the Clerk-Treasurer were in the I-T budget instead of coming to the Council for a special appropriation. Human Resources Director Carolyn Gaier offered to provide an analysis of the positions and their responsibilities. In answer to Jerry McKinney from the audience, Mr. Hardin said he contacted three companies to do the audit, and one responded. Mr. Deer reiterated his concern that this was the appropriate priority for audit funds or consultant funds – one particular use he mentioned was for the budget. Ms. Reed called for the question. Vote: Ayes. Roll call on the ordinance. Vote: Ayes – Reed, Armstrong, Bates, Hardin; Nay – Bless, Deer. **PASSED FIRST READING.**

ORDINANCE No. 04-23 – An Ordinance Vacating Public Alley Right-of-Way Adjoining Lot Number 1 in George Shryock's Addition in the City of Greenwood. Mr. Bates moved to pass Ordinance No. 04-23 on first reading. Second by Mr. Bless. Mayor Henderson opened the public hearing. John Silnes of Sitrine noted that the purpose of this is to vacate a 12-foot unimproved strip across the north side of Ms. Pavan's property and also a 10-foot partially improved strip along the east side of her property. In conjunction with that portion, they are proposing to create a 10-foot by 95-foot ingress/egress easement for the benefit of the resident who shares the driveway with Betty Pavan. Mr. Silnes told the Council that he has checked with the various utility companies and has received no objections to vacating this alley. Juanita Ponto spoke next and had questions. The City Attorney indicated that the property to the east, which Ms. Ponto mentioned, was not part of the platted Shryock's Addition, so the strip would revert to the successor owner of lot 1. Ms. Ponto said that her family has been sharing that alley for over 70 years. Ms. Koons-Davis told Ms. Ponto that if the alley is vacated, Ms. Pavan will be required to give her a driveway easement, according to the direction of the Plan Commission and the Board of Public Works and Safety, and access to her father's property would not be cut off. There was question about the length of the easement and possible civil action in the future. The Mayor told the Council that the Board of Works was assured the neighbors were in compliance with this; he had not heard there was a problem, although he had expressed concern about land locking some properties. As no one else spoke, the public hearing was closed. Mr. Armstrong said the Plan Commission approved this unanimously, but there was not input from Ms. Ponto. After discussion, Mr. Deer moved to continue this to the next meeting, so that Mr. Silnes could meet with the parties. Mr. Armstrong seconded. Vote: Ayes. **ORDINANCE No. 04-23 CONTINUED UNTIL JULY 5, 2004 MEETING.**

ORDINANCE No. 04-24 – An Ordinance Amending the 2004 Salary Ordinance, Common Council Ordinance No. 03-34, Regarding the City Court to Create Additional Positions and Eliminate Various Positions. Mr. Bates moved to pass Ordinance No. 04-24 through first reading. Second by Mr. Deer. Judge Gregory indicated that two positions are addressed. In post-conviction services, the position of community service work coordinator became vacant and a certified probation officer has been hired, said Judge Gregory. This person will be doing community service work as well as operating a program for home detention. The State requires that he be paid pursuant to State salary schedules. The salary of \$35,500 is the minimum allowed, based upon experience and certification. During the probationary period it will be 10% less, added the Judge, and there is sufficient money to pay the salary less 10% and then adjust the salary upward after the probationary period. Judge Gregory stated that if they do not do this, they theoretically lose their certification and are in violation of State requirements. The other position is the former bailiff position, he continued. This person has assumed new responsibilities and in reviewing her position, the Judge felt that she is entitled to additional compensation. There are no outside requirements; there are sufficient funds in the Court budget, he said. It was brought up that the proposed raises amount to 15% for the director of court operations and 20% for the community operations coordinator, less the 10% probationary period. Mr. Hardin objected to the percentages when City raises are to be held to just over 2%. Vote: Ayes – Bates, Bless, Deer, Armstrong; Nays – Reed, Hardin. **PASSED FIRST READING.**

ORDINANCE No. 04-25 – An Ordinance Providing for Additional Appropriations From the General Fund (\$7,500) and the City Court Late Fees Fund (\$7,500) to the City Court to Study the Feasibility of Constructing a New City Court Facility in the City of Greenwood. Mr. Bates moved to pass Ordinance No. 04-25 through first reading. Second by Mr. Armstrong to allow discussion. Mayor Henderson opened the public hearing. Judge Gregory said the request is for what he sees as the next logical step, based on what he heard from the report of the ad-hoc committee last month. He understands that the report recommends the court stay in Surina Square, which is agreeable to him, but he thinks a study should show if this is feasible as Surina Square is running out of space. Another factor would be to determine the size of the building needed if the Court is to build. He commented that the Bureau of Motor Vehicles took one plot. Judge Gregory told the Council the Court is approaching a seriously difficult situation and reminded the Council that he first discussed the need for space in 1996 and thought the Court would be

fine in their space for five years. He will have ready for introduction next time a funding plan, and feels that court-generated revenue could probably pay for the project. The Judge next discussed special needs of the Court and there followed questions from the Council about space needs. The public hearing was then closed. Mr. Hardin expressed his concern with building new space for the Court when other departments are leasing space with issues unresolved. He thought there might be other solutions. Judge Gregory indicated that he has staff carrying buckets of urine from one area to another because of lack of space and described that as "deplorable". Staff is also sharing offices. He said that sending work somewhere else is not a solution and reiterated that this would not cost the taxpayers "a dime". Judge Gregory indicated that he does not think taxpayers should pay for the Court. He told the Council that he considers finding this need a low priority "offensive", particularly if they have not visited a Court session and seen the offices. Mr. Deer's opinion was that the Judge was doing what he was asked to do and he wished other departments would define their needs. Mr. Deer then moved to strike the contribution from the General Fund and limit the study to the Court Late Fees Fund for a total of \$4,500 for the spatial needs of the Court. Second by Mr. Bates. Judge Gregory thought the study should project the needs 20 years in the future. Vote: Ayes. **AMENDED.** Roll call on Ordinance No. 04-25 as amended: Ayes. **ORDINANCE No. 04-25 PASSED FIRST READING AS AMENDED.**

RESOLUTION No. 04-17 – A Resolution Transferring Money From the Cumulative Capital Improvement Fund – Cigarette Tax to the General Fund (\$150,000). Ms. Reed moved to pass Resolution No. 04-17 through first reading. Second by Mr. Bates. Mayor Henderson opened the public hearing for comments for or against. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-18 – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Mr. Bates moved to pass Resolution No. 04-18 on first reading. Second by Mr. Bless. Vote: Ayes. **PASSED FIRST READING.**

At this point, Ms. Koons-Davis presented several tax abatement considerations. For County Line Holdings, LLC and Indiana-American Associates, LLC Mr. Bates moved to find them in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

Concerning Robert Patillo Properties, Block 10, Lot A, Mr. Armstrong moved to find them not in compliance. Second by Mr. Bates. Planning Director Ed Ferguson discussed a new development which would mean the building would change ownership. Mr. Armstrong withdrew his motion and Mr. Bates his second. Mr. Armstrong moved to continue this until July 5th. Second by Mr. Bates. Vote: Ayes. Motion carried.

Robert Patillo Properties, Block 9, Lot 9A was next for consideration. Mr. Bates moved to find them in substantial compliance. Second by Mr. Bless. Vote: Ayes. Motion carried.

For Allen Christy Associates, LLC Mr. Bates moved to find them in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

G & J Enterprises (Gerdt Furniture) was next. They did not project a number of employees or a salary expectation. Consultant Pat Sherman mentioned that when the SB-1 was done, it was a speculative building. The assessed valuation was in substantial compliance. Mr. Bates moved to find them in substantial compliance. Second by Mr. Deer. Vote: Ayes – Reed, Armstrong, Bates, Bless, Deer; Nay – Hardin. Motion carried.

CK Partners, LLC had the next application. Mr. Bates moved to find them in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

At this point, Mr. Bates moved to find Indiana-American Associates, LLC in substantial compliance. Second by Mr. Bless. Vote: Ayes – Reed, Armstrong, Bates, Bless, Deer; Nay – Hardin. Motion carried.

The Council then recessed at 10:25 p.m. Ms. Koons-Davis left at this point. The Council reconvened at 10:30 p.m.

ORDINANCE No. 04-19 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 47.516

acres of land located east of I-65 and north of East Main Street, commonly known as the Sarah Mae Windhorst Revocable Trust Property). Ms. Reed moved to pass Ordinance No. 04-19 on second reading, with second by Mr. Bates. Mr. Armstrong reported the Plan Commission voted 9 – 0 for a favorable recommendation. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-16 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 110.26 Acres Located East of Interstate 65 and North of East Main Street, Referencing Annexation Ordinance No. 04-20. Mr. Bates moved to pass Resolution No. 04-16 on second reading. Second was by Ms. Reed. The annexation ordinance was unanimously approved by the Plan Commission, reported Mr. Armstrong. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-26 – An Ordinance Providing For an Additional Appropriation from the Rainy Day Fund (\$102,500) to the Board of Public Works and Safety for the Purchase of Property Commonly Known as 30 N. Madison Avenue, Greenwood, Indiana. **INTRODUCED.** There was a request for suspension of the rules, as moved by Mr. Bates. Second by Ms. Reed. Vote: Ayes. **RULES SUSPENDED.** Ms. Reed moved to pass Ordinance No. 04-26 on first reading. Second by Mr. Hardin. Mayor Henderson opened the public hearing. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.** Mr. Bates then moved to suspend the rules in order to consider second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.** (Shawna, this is what the tape said. The last vote I heard was supposed to be for suspension of the rules, and the Mayor declared that it passed second reading).

ORDINANCE No. 04-27 – An Ordinance Transferring Funds From the Budgets of the Engineering Department (\$24,536.29), the Human Resources Department (\$4,585) and the Legal Department (\$9,058.65) to the Budget of the Board of Public Works and Safety for Lease Payments. **INTRODUCED.** At the Mayor's request, Mr. Bless moved to suspend the rules in order to consider first reading. Second by Ms. Reed. Vote: Ayes – Armstrong, Bless, Deer, Reed; Nays – Bates, Hardin. Motion fails.

ORDINANCE No. 04-28 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 51.54 Acres Located South of Curry Road, and Along the West Side of Honey Creek Road, and Commonly Known as the Forest Lawn Memory Gardens, Inc. Property. **INTRODUCED.** In order to comply with State statute, Mr. Bates moved to continue until September 8th for first reading and public hearing. Second by Mr. Deer. Vote: Ayes. **CONTINUED UNTIL SEPTEMBER 8, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-29 – AN Ordinance Providing For an Additional Appropriation From the General Fund to the Board of Aviation Commissioners For Hangar and Taxiway Improvements (\$247,096.65) and to Establish a Special Non-Reverting Fund to Administer Money Received or Appropriated For the 2003 Airport Hangar and Taxiway Improvement Project. Bill Jackson, Chairman of the Board of Aviation Commissions (BOAC) was invited to speak. He recounted that the Council authorized BOAC last year to borrow about \$1.2 million for hangar construction and taxiway improvements. Due to weather conditions, they did not complete the project. In December, the money reverted back to the General Fund, when the Commissioners had thought the money was in a non-reverting fund. There are bills pending for that money, Mr. Jackson said, and he is trying to get the money in the right fund. The loan was specific as to what it was to be used for, he indicated, so should not have reverted to the General Fund. **INTRODUCED.**

RESOLUTION No. 04-19 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 51.54 Acres Located South of Curry Road and West of Honey Creek Road, Referencing Annexation Ordinance No. 04-28. **INTRODUCED.**

Under miscellaneous business, Ms. Reed indicated that the Council needed to make an appointment to the Economic Development Commission. Mr. Hardin nominated Tom Wertz, a health insurance broker, who has indicated to Mr. Hardin that he would like to serve. From the audience, Frank Fyffe mentioned that Ms. Hal Vargo would like to finish out the term of her husband. Ms. Reed and Mr. Hardin heard that she had reconsidered, so Mr. Fyffe withdrew Ms. Vargo's name. The term ends in February of 2005. Ms. Reed seconded the nomination of Mr. Wertz. Vote: Ayes. Tom Wertz is the Council appointee to the Economic Development Commission.

Mr. Bates discussed a letter from Johnson County Senior Services requesting funding for 2005. Ms. Reed recounted that three years ago they requested the Council's help in purchasing a vehicle, which the Council agreed to do. At that time, they explained that it was a one-time request, and that is why she did not put it in the Council budget. It was decided that they would be considered at the time of the Council budget on August 16th.

Mr. Bates then made a letter from Ann Harrier on the Wal-Mart issue a part of the record.

On Ordinance No. 04-21, approved at first reading earlier, Mr. Bates mentioned that on the back page, the first column has the correct amount to come to the Board of Public Works and Safety and the second column says \$1,000 more. The City Attorney had suggested that this be amended. Mr. Bates will mention it at second reading.

Ms. Reed had a letter from John Gibson regarding a handicapped parking sign at 452 Spring Drive. She described the details. Mr. Deer, in working with Shawna regarding his wife's need for this, thought the Council should address some of these issues. The Mayor recalled the Board of Works approving a couple of these requests when he was Police Chief. He will meet with counsel. Ms. Gibson said this was a dead-end street at the airport.

Mr. Hardin brought up a letter from the Town of Bargersville regarding a proposed annexation (July 1st) requesting our concerns and objections. The property is within three miles of our city limits. The City of Greenwood would have to pass an ordinance granting approval. We have done this previously. The Mayor thought it looked like a huge area. He will ask the City Attorney to respond in writing and we need to pass an ordinance per State statute. There was more discussion on the area the request covers.

Mr. Hardin mentioned the festival for the Independence Day celebration on Friday and Saturday. He has arranged with the Parks Department for a hospitality tent in Craig Park from 5:00 p.m. until the fireworks.

Mr. Hardin asked for an update on the Valle Vista paving. Bid openings are set for tomorrow at 2:00 p.m. and will be given to the Board of Public Works and Safety hopefully to be awarded at Thursday's meeting. Staff will encourage the contractor who is awarded the contract to begin as quickly as possible.

Ms. Myers told the Council that she has asked Paige Gilpin of H.J. Umbaugh & Associates to attend the next Council meeting to assess the budget process and levy appeals. Ms. Gilpin has worked for the Department of Local Government Finance and is familiar with the process. Mr. Armstrong asked the Clerk-Treasurer to verify if there is a fee.

From the audience Linda Gibson discussed a letter from Ed Ferguson regarding the proposed "No Parking" on Holman Lane and nearby portions of Beech Drive. Linda discussed a heating and air conditioning business operating from the home at 856 Holman Place. Councilman Gibson had sent a memo to Code Enforcement on this situation (copy in these attachments).

Budget presentations were next: Police Merit Commission by Darnella Decot, Board of Aviation Commissioners by Bill Jackson, Economic Development Commission by Frank Fyffe, Redevelopment Commission by R. Lee Money, Park Board by Evan Springer and Information Technology by Rick Jones. Mayor Henderson then passed out comparisons of 2004 and 2005 figures.

With no further business, the meeting adjourned at 11:45 p.m.